

NATALIE K. WIGHT, OSB #035576  
United States Attorney  
District of Oregon  
**JOHN BRASSELL, WASB #51639**  
**GAVIN W. BRUCE, OSB #113384**  
Assistant United States Attorneys  
[john.brassell@usdoj.gov](mailto:john.brassell@usdoj.gov)  
310 West Sixth Street  
Medford, Oregon 97501  
Telephone: (541) 776-3564  
Attorneys for the United States of America

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**MEDFORD DIVISION**

**UNITED STATES OF AMERICA**

**1:22-cr-00064-AA**

**v.**

**DEVIN FRIEDRICK KRUSE,**

**GOVERNMENT’S SENTENCING  
MEMORANDUM**

**Defendant.**

Set out to damage and disrupt a southern Oregon Planned Parenthood facility because it provided abortion services, Devin Friedrich Kruse circled the facility on two separate occasions breaking windows, security cameras, signs, and just about anything else he could get hands on. Kruse’s actions closed the facility for months and cost Planned Parenthood thousands of dollars in repairs and lost revenue. To hold Kruse accountable for his actions, ensure he receives mental health services as needed, and redress Planned Parenthood in its entirety for its losses, this Court

should sentence Kruse to two years' probation and order full restitution for Planned Parenthood's losses.

## **Factual Background**

### **A. The Offense Conduct**

#### **1. Count 1: Freedom of Access to Clinic Entrances**

On November 23, 2021, Kruse approached a group protesting outside the Planned Parenthood in Grants Pass, Oregon and asked where the facility was located. When the group pointed out its location, Kruse approached the facility and broke a window and several lightbulbs before removing his clothing and fleeing the area. The protestors notified police and Kruse was located a few blocks away. Kruse told officers that he damaged the facility because he disagreed with Planned Parenthood's ideals and its providing abortion services.

#### **2. Count 2: Freedom of Access to Clinic Entrances**

On November 26, 2021, only three days after the earlier incident, Kruse returned to the Planned Parenthood facility with his father to show his father the damage he caused to the facility. Once outside the facility however, Kruse became upset. He spontaneously left his father and returned to the facility where he smashed the building's exterior lightbulbs, tore down an intercom system, and threw a concrete block through a large window. When officers arrived, Kruse again admitted to damaging the facility because he was angry it provided abortion services. While in the backseat of the patrol vehicle, Kruse repeatedly struck his head against the plexiglass barrier while screaming.

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### 3. Planned Parenthood Access Impeded

Kruse's conduct closed the Planned Parenthood facility in Grants Pass from approximately November 23, 2021, through March 1, 2022.

#### **B. The Charges and Guidelines Calculations**

Kruse pleaded guilty to a two-count misdemeanor Information charging freedom of access to clinic entrances, in violation of Title 18, United States Code, Section 248(a)(3). The guideline calculations are set forth in the PSR and below:

<b>Guidelines</b>	
Base offense level USSG §2H1.1(a)(3)(B)	Count 1: 10 Count 2: 10
Multiple Count Adjustment (Total Number of Units under USSG §3D1.4)	+2
Combined Adjusted Offense Level (USSG § 3D1.4)	12
Acceptance of Responsibility USSG § 3E1.1	-2
<b>Total Offense Level</b>	<b>10</b>

A total offense level of 10 combined with a criminal history category II results in an advisory guideline range of 8-14 months.

#### **C. Jointly Recommended Sentence**

The parties jointly recommend a sentence of one-year probation for Count 1 and one-year probation for Count 2, each count running consecutive to each other. Kruse needs to be held accountable for his conduct. His undertakings to damage Planned Parenthood solely because of the reproductive services it provides were unlawful and unacceptable. Kruse put patients in danger, closed the facility for over three months, and required patients to travel out of town for services. It is important that Kruse, and others, understand that damaging or otherwise

preventing others access to reproductive health clinics are serious offenses that will not be tolerated.

In balance, the recommended sentence considers Kruse's mental health. Kruse was diagnosed with bipolar disorder, prescribed medication for schizophrenia and manic-depressive disorder, and even civilly committed for a time. While on pretrial release, Kruse participated in monthly counseling and weekly individual therapy sessions. This jointly recommended sentence incentivizes Kruse to continue his mental health treatment plan, which will mitigate the danger he presents to the community.

Finally, the parties jointly recommend that Kruse pay full restitution to Planned Parenthood in the amount of \$24,650.16.

In conclusion, the parties jointly recommend a sentence of one-year probation on Count 1, and a one-year probation on Count 2, both counts to run consecutive to one another. Further, the parties jointly recommend Kruse be ordered to pay full restitution to Planned Parenthood.

Dated: February 15, 2023.

Respectfully submitted,

NATALIE K. WIGHT  
United States Attorney

*s/ John C. Brassell*  
JOHN C. BRASSELL  
GAVIN W. BRUCE  
Assistant United States Attorneys